

**CSCanada****Frontiers of Legal Research**

Vol. 1, No. 2, 2013, pp. 49-62

DOI: 10.3968/132

ISSN 1929-6622[Print]  
ISSN 1929-6630[Online]  
[www.cscanada.net](http://www.cscanada.net)  
[www.cscanada.org](http://www.cscanada.org)

# MEDIA AND THE RIGHT OF CRITICISM IN THE ERA OF DEMOCRATIC TRANSFORMATIONS IN THE ARAB WORLD: ALGERIA AS A CASE

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Received 13 March 2013; accepted 22 August 2013

Published online 22 September 2013

## Abstract

This Article demonstrates and defines the right of criticism and the field of its application as one aspect of freedom of speech and opinion. In fact, this right often enables mass media to participate in public life and is considered as a direct contribution to protect the censorship system and to discover its defects. This occurs after publishing the opinions and the evaluations of the different works that interest society and showing its disadvantages in the context of the democratic transformations that prevail in our Arab societies nowadays. The article also exposes the conditions of the right of criticism and its contribution to the development of society. It also made some suggestions concerning the right of criticism that, I believe, the Algerian legislator should follow. Focus, then, should be on mass media and its role of creating a balanced discourse that can transmit facts objectively and enables the public to criticize what has been transmitted if there is a need to do that.

**Key words:** Criticism; Media; Democratic transformations; Algeria

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Tayeb Belouadah (2013). Media and the Right of Criticism in the Era of Democratic Transformations in the Arab World: Algeria as a Case. *Frontiers of Legal Research*, 1(2), 49-62 Available from <http://www.cscanada.net/index.php/flr/article/view/10.3968/132> DOI: 10.3968/132

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## INTRODUCTION

Freedom of thought, which is the main of result freedom of opinion and expression, is one of the pillars upon which modern democratic systems are built. In fact, it is acknowledged that this type of freedom is of great importance for the exercise of other freedoms such as freedom of media and publishing.

In fact, it seems obvious that the major role of information is to influence individuals and contribute to the formation and reform of their public opinion by exposing the hidden and sometimes rotten aspects of society. Their goal, then, is also to direct the attention of the responsible authorities to right the wrongs in all the aspects of life especially in the modern societies in which democratic transformations are needed.

It is undeniable that media often raise the awareness of the social entities and corrects many of the wrong concepts and even contribute to a great extent to reforming deviant behaviors in community. And this makes focus on the messages of media an imperative job. In fact, the functions of media in society are numerous and various, one of those functions is the informative one which is the action of providing the public with information and knowledge, there is also the consultative function that implies exposing public issues to the public eye, and consequently it can create interaction between the means of information, authority, and the public.

Media also can play a role in strengthening the social norms and rituals and even exposing deviations from social laws and it may go beyond that to the reshaping of public opinion according to the rapid and radical worldwide democratic transformations, while the political function of media lies in making political decisions based on what has been happening in the community, along with the oversight function. That represents shields essential for the protection of society and putting an end to all forms of corruption, deviant behaviors, and abuses of power. In addition to all those different functions, media often tend to play the important role of raising the awareness of people to ask for more rights and to shape new opinions and to promote modern trends.

Media has also a major role to play in offering the individuals the opportunity of criticizing social issues as well as indicting the responsible agents for the rottenness in society in an attempt to cause a peaceful and effective change in society. In fact, this right of criticism can be considered as one of the major aspects of freedom of opinion and expression and one of its concrete application and obvious embodiment. This allows the media to participate in public life, especially political one. This, of course, would lead to its contribution to the discovery and the identification of existing defects.

It is obvious that by publishing the different views and assessing the various businesses that may be of a great interest to the community, as well as identifying its drawbacks, media can help paving the way to finding appropriate solutions. In fact, the right of criticism is only the critic's critical opinion about matters that serve the public's interest; therefore, we can say that this right is a tool of detecting and then reforming social illnesses. It is, then, only through effective criticism that society can reconstruct itself and; therefore, find remedy to all its social problems.

This article is intended to throw light on a question that recently has become the topic of hot debates in almost all over the world which is whether the major goal of the right of criticism permitted through the different means of media and governed by many laws is confined to the detection of the reality of society or to the contribution to the development of this society?

Through this article we shall try to discuss this permissible right through analyzing the fields of this right and discussing its contribution to the development of society.

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## 1. THE RIGHT OF CRITICISM AND ITS FIELDS

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The press, and through the mass media of its various kinds <sup>1</sup> as some call the fourth power, <sup>2</sup> plays an important role in exchanging and transferring information as well as in criticism and control in society. In fact, it is obvious that transparency that prevails in contemporary society plays a major role in paving the way for mass to do its function in a very effective way. The right of legitimate criticism allotted to individuals is one of the ways of building societies and is guaranteed not only for journalists but for every citizen as part of the embodiment of the principle of full equality which is an integral part of democracy.

In fact, the right of criticism is not limited to one particular person or few specific elite, but it can be exercised by all entities and persons.

The work of the journalist is quite different from the other jobs because of the publicity caused by various media and through the delivery of information that appears quickly and regularly. All this, makes the impact of the journalist seems obvious and clear and even particular.

Consequently, we can consider the right of criticism as one of the fundamental rights that helps build the social, political, economic, and cultural systems. But this right can never be an absolute right because it must be exercised within specific regulations and principles in order to be utilized as a means of development and reform and not as a tool for destruction i.e. the journalist is not entitled to criticize for the sake of criticizing. In order to throw light on this right, we need first to explain what is meant by the right to criticize and, then, and see which contexts or areas criticism can be exercised.

### 1.1 The Definition of the Right of Criticism

Criticism means somebody's dealing with, comment on, or judging the reality or the disposal of a particular facts. Sometimes criticizing an act or an event may be required to address person in question. In this case, criticism is a legitimate criticism. The aim here is to achieve the public interest, though this Comment or judgement might affect the criticized person in his honor and his actions into account as long as it was unintended (Medhat, n. d.).

Criticism is also to express one's opinion about a person's behavior without hurting the person in question (Ahmed, 1980) or directly working in order to slander or degrade his dignity. If criticism exceeds this limit, it shall be punished as a component of the crime of insulting, humiliating, or defamation according to the case in question (Ibrahim, 2003).

And this right—as part of freedom of opinion—is guaranteed to all individuals; and therefore could be exercised through the newspapers, and all other types of mass media.

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<sup>1</sup> In addition to the traditional mass media often represented by newspapers, radio, and television there are new media that is the product of scientific development and technological revolution in the field of communication such as the internet which brought great and radical changes in societies especially the Arab ones (the recent face book revolution in the Egyptian society).

<sup>2</sup> But I object to this appellation since the real powers are the three authorities, legislative, executive and judicial, which are the only authorities established by the constitutions and laws. Despite this, we recognize that the press in its various types can implicitly exercise power in societies. This can be considered as a response to the ideas of Bard [Ph.D. diss.]

And then the person will be keen to know how much the public knows about him, and would have therefore a strong desire to make his personal affairs 'Far from the public eye and opinion. His actions and his views and his works are left to the community to comment on them, and even criticize them, and therefore only community is entitled to refine ideas and decide either to be for or against by refuting or supporting them (Emad, 1976). One then can say that it is community that exposes the points of weaknesses and error and therefore guide people to the right way and by this; it contributes to the acceptability of this activity as part of the public interest (Zuhair, 2004).

Criticism has a great impact on public life as well as on the reform of social life. It is, then important in the nation and is necessary for detecting society's errors, evaluating the social experiments, completing construction, and showing the straight way ahead. And the legitimate criticism depends on the degree of freedom available in society: The more freedom is given, the more criticism increases. The more freedom is narrowed, the more criticisms decreases.

In fact, criticism may be confused with the right to spread the news and this that led some thinkers to believe that we should distinguish between the publication of news and the legitimate criticism and that "spreading news means that the facts of a particular community are published without the journalist's intervention or comment since any comment may transform the function of publishing news into criticism, nevertheless ; Confusion often occurs between the dissemination of news and criticism (Ramadan, n. d.)."

We agree with the former saying but we emphasize the necessity of the journalist's important full and clear distinction between the right to publish news and the right of legitimate criticism and the boundaries between the two is the limits of publishing objectivity, and the subjective criticism.

Recently the Arab world in general and Algeria in particular saw a drastic process of democratization which led to a transformation in the dimensions of political, social and cultural rights. Knowing that the process of democratic transformation in any system often passes through three stages, namely: the weakness of the system or disintegration, and this that was experienced by Algeria in the early nineties (1991), then the transition period that is more secure than the previous stage when it occurs through democratic means and this was witnessed in Algeria after the referendum on the Constitution of November 28<sup>th</sup>, 1996, then the last stage which is democratic stability, and security. All this provided an appropriate atmosphere for free and daring media practice in terms of criticism.

Nowadays one can easily notice that the right of criticism has been elevated to the rank of the constitutional protection.<sup>3</sup> But this cannot be said about this right according to the Algerian law. In fact, the researcher in the Algerian constitution in this regard cannot find a clear text that allows this right<sup>4</sup> i.e., the right of criticism is only what is generally enacted in some texts such as article 36: "Freedom of belief and freedom of opinion must not be violated." And the Article 41 which stipulates

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<sup>3</sup> The Keenness of the Egyptian Constitution to assert the freedom of criticism appears in the article 47 by stating that self-criticism and effective criticism is a guarantee of the national safety.

<sup>4</sup> Because the right of criticism is a form of freedom of opinion and expression the Algerian legislature stated that freedom of opinion and expression is guaranteed without a clear and frank mentioning the right of criticism.

that the “freedom of expression, association and assembly, are guaranteed to the citizen.”<sup>5</sup>

We, therefore, call upon the Algerian legislator to categorize this right among the constitutionally protected rights in order to indirectly allow individuals to participate in public life and contribute to evaluating it through publishing their views in order to expose the deficiencies of the responsible people for the public authority and even work to reform or avoid those defects in the future.

## 1.2 The Areas of Criticism

Criticism either a comment or evaluation can intervene in several areas such as literary, artistic, philosophical, political, or scientific research and even historical or economic one. In fact, it seems that the limits of criticism vary from one area to another, if the right of criticism is preferred in the field of debates and discussing ideas, this is not the case in the field of economic competition in which it is forbidden, except in very narrow scope, in which it is allowed to criticize a rival competitor. The pretext here is that the criticism in this latter area is based in the majority of cases, on serving personal purposes (Tariq, 2004).

In fact, individuals may be exposed to criticism in one area more than another area: if the individual is being exposed to criticism in the political sphere – which is what we observe every day – while the same person cannot be subject to historical criticism especially if criticism was within the scope of scientific research, because the latter is typically associated to specific people i.e, researchers and not common people. So we can deal with the areas of the right of criticism in the following sections:

### 1.2.1 The Criticism of Historical Events

Historical events generally interest people because they are easily accessible to the public, thanks to the awareness of people about the importance of knowledge of the past for the present and their looking forward to the future of society in general. And if the freedom of opinion and expression gives individuals the right of criticism and historical research, all the facts and historical works that fall within the natural framework for historical research are not considered defamation or criminalized incitement penalized by law.

And if historical events are permissibly addressed, and their exposition or publication is not criminalized even though they hurt the honor and dignity of others, as long as honesty is taken in to consideration in its maximum levels, and as long as the article did not contain words independent of the historical facts that would hurt the dignity of others or incite people to commit a crime. And if the article was free of any specific language - far from the topic of the article – that urges others to commit acts of violence, this means that the owner of the accountability would not be subject to investigation even though the facts were bitter and painful, as long as he had been envisaged conveying facts and reality.<sup>6</sup>

And the French judiciary had confirmed that incidents relating to the

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<sup>5</sup> The Algerian Constitution Official journal No. 76 (Dec. 8, 1996), Law No. 02-03 (April 10, 2002) Official journal No. 25 (Apr. 14, 2002), and Law No. 08-19 (Nov. 15, 2008) Official journal No. 63 (Nov. 16, 2008).

<sup>6</sup> *Id.* 285.

contemporary history either related to a staff or a personnel becomes as soon as they occur one of the historian's rights, and no one can consider his dealing with it as a slander as long as he narrates them by unpaid motivated hatred, taking into consideration its appropriateness in terms of shape, sincerity, integrity and belief in terms of the subject. But if he tackles the life of a man who is still alive, this may be considered as a slander (Mohammed, 1951).

In fact, the Algerian constitution has guaranteed the protection of the individual's right in private life and gave it an importance when it stipulates in article 39 that "it is forbidden to violate the citizen's private life "In addition to that, the penal law in modification of 2006 criminalized all violation of the individual's private life in article 303 bis and decided imprisonment from 6 months to 3 years and fine from 50,000 D to 300,000 D.<sup>7</sup> (The article 303 bis 1 stipulate that everyone is put in public any secret or personal records must be penalized according to article 303 bis).

### **1.2.2 Scientific, Literary and Artistic Criticism**

The freedom of opinion and expression gives rise to many of the freedoms and public rights in various fields namely intellectual and cultural fields and others such as freedom of scientific research; literary, cultural, and artistic creativity. It is evident that criticism is permissible on all matters relating to writings and scientific inventions and literary or artistic productions. Every person can express his views about those productions and show its defects and shortcomings without considering this slandering that should be criminalized.

Freedom of criticism is permissible as long as the journalist aims at serving the public interest. The permission of criticism in this context depends on the area of criticism so that the comment, analysis, or evaluation must be about the same idea; and the critic should deal with the idea in an objective way without extending his views to its producer, and without going beyond the limits of legitimate criticism.

### **1.2.3 Political and Religious Criticism**

Political criticism is a kind of legitimate criticism that it is often directed by the press to the public authorities for the benefit of the general community .But the criticism of the policies pursued by the public authority in the management of the country must take into account the direction and guidance.

In fact, the political side of the person is one of the things that can be a topic for debates, researches, doubt, and even denial without considering hurting it defamation or slander because this right does not mean that the nature of the democratic system requires the right of debate and the opposition without going beyond the legal controls. The democratic system also requires censorship, responsible agents, and political leaders. In this context, the Algerian law gives the right of criticizing the President of the Republic without hurting him. In case this criticism implies defamation, a slander, or an insult. The Article 144 bis has decided the sanctions by stipulating:

It shall be punished by imprisonment from three months to twelve months and a fine of 50,000 to 250,000 or one of the two penalties everyone who offends the President of the Republic by terms that include insults or Slander, or defamation, whether by writing, drawing, permission, or any mechanism of audio or visual

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<sup>7</sup> Modified by the Law No.26 No.01-09 (2001).



broadcasting or by any electronic mass medium.

We also notice that the Algerian press law No. 90-07 has criminalized offensive prejudice to the kings and heads of foreign countries, which could lead to a breach of External Relations of the State. Article 97 stipulates punishment by imprisonment from one month to one year and a fine ranging between 3,000 and 30,000 D or one of the two penalties all who intends in any way by any mass media to insult heads of states who exercise their functions, taking into account Article 3 above.”<sup>8</sup>

The Algerian legislature also criminalizes insulting heads of international missions as well as its members accredited to the Algerian People’s Democratic Republic as stipulated in Article 98 of the same Act) and with such control, voters are needed in the lap times as well as the involvement of people in the responsibilities of governance becomes possible (Khalid, 2003).

The French judiciary stressed that any journalistic accusation to a Minister that he is irresponsible and non-efficient is considered as an evaluation that is part of the freedom of criticism and does not exceed the scope of criticism allowed in the area of politics.<sup>9</sup> And there is no doubt that the political consideration even was a special to a person it can be open for discussion, even if it had included bitter and harsh statements.<sup>10</sup> And to say otherwise, I believe, can be considered as a disruption of the democratic system and the interests of society and any restriction in this would absolutely affect the freedom of the press. And only the trial judge possesses authority to assess the appropriateness of the terms used and the circumstances of each case separately.

Since the link between religion and politics has long been strong, political criticism sometimes goes beyond its political scope to religious criticism but this does not mean that we are not entitled to criticize the other’s religion because religion is part of the individual’s identity since it contributes to a great extent to shaping the personality of the man.

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## 2. THE CONDITIONS OF LEGITIMATE CRITICISM AND ITS CONTRIBUTION TO THE DEVELOPMENT OF SOCIETY

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Whatever the area covered by the critic, the right of criticism requires several essential conditions, including the criticized incident and others related to the means of criticism and as well as the intention of the critic. And this is what we shall deal with in the first requirement, while in the second requirement we shall tackle the contribution of the right of criticism in the development of society as follows:

### 2.1 The Conditions of Legitimate Criticism

In this point of the article, we shall throw light on the major conditions that govern the exercise of legitimate criticism as well as we shall discuss and analyze them. These conditions can be summed up as follows: first the subject of criticism treated by the mass media in general and the journalist in published press in particular,

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<sup>8</sup> Article No.03 of the Algerian Information Code No.90-07 provides that the exercise of the freedom of press should be within the respect of the human dignity and personality’s well as the requirements of the country’s foreign policy and national defense.

<sup>9</sup> Cass. Crime D 1993. I.R. 233 (Sep. 16, 1993).

<sup>10</sup> T.G.I. Paris G.P.1991-I-240 (Mar. 19, 1991).

secondly and more importantly the medium used for the exercise of criticism, thirdly the availability of the critic's sincerity when treating the topic in a written form as part of his job as a detector of facts.

### **2.1.1 The Subject of Criticism**

The subject of criticism requires the availability of two components: authenticity and social importance.

#### **2.1.1.1 The authentic Incident**

This means that there is a real subject highlighted through criticism (Abdel-Hamid, 2004), so the latter should base on a fact be known to the public and be true and therefore it must conform to reality, if this fact does not exist as it has been issued without any basis, it absolutely loses all support exemption from liability.<sup>11</sup> But in case the fact was unknown it must not be the subject of criticism, unless the individual uses his right to detect it, in accordance the conditions of the right to publish news.<sup>12</sup>

#### **2.1.1.2 The Social Significance of the Incident**

The right of criticism does not need only that the incident in question must be fixed and known to the public, but must be of a social importance that justifies its assessment. And this requirement imposes itself like the story which lacks the social significance that cannot be published. And as a result if the incident does not interest the public, the comment on it may lead criticism to lose its real goal and the incident which was a topic of criticism will as well lose its social significance because of its association with the public interest, such as everything related to the State, Government, local administration, education, or economic or social affairs in general.

## **2.2 Means of Criticism**

In fact, two conditions should be available in the way of criticism:

First, the primary means is an opinion or a comment based on the incident that was the subject of criticism. And secondly, the critic's use of the appropriate expression basing himself on the criticized incident. We shall deal with all this as follows;

### **2.2.1 The Opinion or Comment**

The opinion or comment should be legitimate, i.e. it must be one of the views that the law allows and must be confined to the scope of the criticized incident.

The first condition is the legality of opinion or comment:

The freedom of opinion and expression is not absolute i.e there are subjects that one may fail to provide views or comments on them for the benefit of other subjects more worthy of protection. An example of this case can be that which has been stipulated in the Algerian media law in No. 90-07 which does not allow the journalist to publish information that may affect the reputation of the judicial

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<sup>11</sup> Khalid Mustafa Fahmi, *supra* note 351.

<sup>12</sup> There are four conditions: the publication of the story should not be prohibited by law, be honest in exposing facts, the necessity of the availability of public benefit, and the existence of the journalist's sincerity.



investigation and research.<sup>13</sup>

While the second condition is the confinement of the opinion or comment to the incident, the subject of criticism:

The critic when criticizing must be based on the process of fixed incident and confine himself to it, i.e. any opinion should be focus on the incident to which it is connected in order to facilitate to individuals or the public to follow what has been written (Mohammed, 2001). Whatever the critic is free to express his opinions in the field of criticism, he must base his opinion or comment on the criticized incident and must not go beyond that.

### **2.2.2 The Use of Appropriate Terms**

The Legitimate criticism requires that the critic uses when expressing his views and his comments appropriate language, appropriate to achieve the legitimate aim of criticism. If he exceeded those limits and uses the defamatory statements, his criticism becomes no longer permissible. And he must be punished as an accused of the crime of insulting, humiliating, or defamation; it depends on the case<sup>14</sup> in question. Therefore, he must be cross-examined.

The Egyptian Court of Cassation has decided that: "If the press was free to criticize government actions and show readers what is wrong in the deeds and the conducts of public officials, and to give its opinion in all that comes into contact with the general conditions, it is not permissible for it to depart from the circle of criticism entitled by law - no matter how the critic was severe—to the circle of defamation based on facts of improper attribution, and that the law requires the punishment on it".<sup>15</sup>

And the French judiciary had confirmed in this sense in the judgment issued on 10 August 1993 that if every journalist has been the right of freedom of criticism this does not allow him to use insults and humiliation for the purpose of damages and defamation.<sup>16</sup>

### **2.2.3 Sincerity**

For the validity of legitimate criticism, the critic must be sincere. The thing that requires the availability of two conditions: targeting the public interest and the belief that the opinion or the comment made by the critic is accurate. We shall deal with those two points as follows:

#### **2.2.3.1 Targeting the Public Interest**

In fact, the major motivation behind the right of criticism is targeting public benefit which is often the end at which the right of criticism is aimed to arrive at. This will be the result of giving one's good opinion aiming at benefiting the community and guiding it to what is right or raising its awareness to what is wrong or invalid. The achievement of this goal does not preclude that the critic must be a professional critic.<sup>17</sup> This condition is associated with the previously mentioned condition of the social importance of the incident.

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<sup>13</sup> Article No.36 of Algerian Law, No. 90-07 relating to public information.

<sup>14</sup> Appeal No. 3087 of 62 years B. C. (Aug. 05, 2000) meeting. *See* Ibrahim (2003).

<sup>15</sup> No. 626 set aside for the year 48 BC. Cassation set of legal rules Part 2 No. 20, 9 (Apr. 10, 1930).

<sup>16</sup> Cour d'appel d'Orléans (Aug. 10, 1993). LP No. 112-I, 65 (1994).

<sup>17</sup> Tariq Sorour, *supra* note 300.

### **2.2.3.2 The Belief that the Opinion or Comment Produced by the Critic is Accurate**

The journalist is originally entitled to exercise his right to press envisaged honesty and sincerity. He also must seek to achieve the goal on which the right of criticism was based, but this presumption may be proved simple and contradicted as well as one can prove the bad intent of its producer.<sup>18</sup>

In fact, the requirement of sincerity in this context is one of the issues that is often associated with facts and cannot be governed by a fixed rule. But it is necessary that the critic needs to believe the accurateness of criticism in his conscience so that his criticism can be accepted as a permissible and safe critical production far from any bad intent, and this also requires from the journalist that he must estimate the matters that he has attributed well enough, but if the journalist who exercises criticism was incited by his bad intent and intends through his criticism to cause a libel or a defamation and all incited by personal grudges or hatred would not be given the right to prove the accurateness of facts. In addition to that, he must be condemned even though he can display the needed proofs of legitimate criticism.

The ill-intended criticism can exploit the offender's awareness of the inaccuracy of incident the subject of criticism, as well as any other position disclosed such as access to capital. If the article and the subsequent drawing and other statements intended to defend the public interest and others intended to defame, the court should make a balance between the two intentions and estimate which had prevailed in the mind of the publisher (Ahmed & Achraf, 2005).

The matter finally is left to the trial court to achieve the needed balance between the impact of what was written by the journalist with good intention, and what was written with bad intention. In the light of what has been said previously, we believe that the journalist during his exercise of press must comply with the conditions of exercising the right of criticism granted by law. He must also be aware to respect the professional and journalistic ethics, and as well as to activate them in his work so that his journalistic production appears to the public as a good result of the free and honest press, and therefore he remains aloof from any criminal responsibility.

### **2.2.3.3 The Contribution of the Right of Criticism to the Development of Community**

The media is an effective method for the building and development of society with its various classes and sectors, because it often tends to solve its problems by the reporting the reality in a clear way and in all its aspects. The social responsibility of media is, then, based on a set of principles among them is the commitment to the ethics and values of society as well as the expression of shared national interests, in addition to exposing the concerns of readers and their problems to the holders of political power (Mageda, 2008).

And we must raise the level of the individual, whether was a journalist or a layman or a holder of public or political authority, making of him one who is ready for critical thinking. The latter would help individuals to discuss the values that are used in society as fixed and absolute provisions. This skill helps also individuals to make the decision about the various options facing them as a result of the rapid social, scientific, and technological change. In this way, the ordinary citizen becomes

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<sup>18</sup> Abdel-Hamid Achawarbi, *supra* note 248.

able to adapt himself to the effects and the problems faced in the society in which he lives, and therefore, he finds himself able to find appropriate solutions as well as to criticize political actions and decisions. And therefore he can become a main actor in society.

In fact, the media is the primary means of transmitting information to the public, and is the means that increases their credibility when they are free, independent, and professional. Others went beyond that to put the free and independent media in the same level as the independent judiciary, in particular, and that both works as a potent force to combat delinquent laws, tyranny, and corruption (Alaa, 2004).

In fact, the media also play important roles through serving the individual and society alike, linking citizens with all what concerns them in areas that can be related to different aspects of their lives, and working to develop and then transfer the experiences and skills in various spheres of human activity. In addition to that, it helps the sectors of different services in the performance of their functions (sectors like health, education, and production ... etc.). Media can also contribute to solving the problems of society by highlighting them, and raising the public awareness about them and even propose the best solutions for those problems. It can also raise the level of culture as well as develop the thought of society; and therefore, play a drastic role in shaping a well-informed public opinion about the community's internal and external issues by providing the correct and adequate information and presenting the various and sincere opinions.

We can say that media is the major mirror of society, through which the individuals can see each other. Looking forward, the citizen can be well informed about what is happening to others around him in society, and consequently see and hear others as portrayed by the mass media in their daily life. So it is clear that the role of media in any human society is a great and dangerous one, but we notice that in modern societies this role has become more important and more dangerous because of the multiple interests and contradictory tendencies and different directions in the same society in which the media has to achieve a protective and constructive function. In fact, media has to provide prevention and even response to external intellectual invasion at the same time. And, thus, governments had to be put constitutional and legal controls to the right of criticism in order to avoid the shift of the freedom of the press to a mechanism of power and domination in society (Mohamed, 2007).

There is no doubt that the media with its elements has been completed, and used in the right way under the wise guidance in society, certainly becomes a major driving force for the construction and development as well as for the advancement of society.

On the other hand, the media which fail to fulfill its role and achieve its mission in society its failure would not be confined to its impact or to its reputation, but it goes beyond that to cause harmful effects on the community in general, at least causing psychological frustration in the conscience of society. The latter that often leads the members of the community to refuse and even fail to integrate and therefore be reluctant and indifferent; and this, of course, would encourage them to search for alternative sources of information.

Media, I believe, must not be biased and should not depend inexact facts and should not serve the propaganda of a certain political doctrine or a particular

tendency by practicing defamation because in case it follows this path, it may soon lose the confidence of the masses, and even though it exposes some truths, the masses would continue to look at it with suspicion, doubt, and caution simply because it is no longer credible. And it should not be limited to and based on inexact facts, and therefore, fail to achieve the desired effect of those facts and values on the public above all.

It is, then, undeniable that the media is a double edged sword: the best use and guidance of this major pillar of development will provide the members of the community a prolific source of knowledge, guidance, and awareness to overcome their problems. It would also help them raise their children and realize the happiness of their families as well as the achievement of social identity. But if media has opted the destination that rely on the excitement that we see in some Western societies, there is no doubt that it would represent a tool of vandalism and decay, in spite of its development, progress, and effectiveness.

Therefore, we see that media cannot be separated from any aspect of daily life in the community, so that it assumes the responsibility of achieving the task of transferring, developing, and protecting the cultural heritage as well as the social development.

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## CONCLUSION

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Throughout the article, we have emphasized that the right of criticism—as a form of freedom of opinion and expression—is a right that the Algerian Constitution has guaranteed and empowered by constitutional protection of freedom of expression. More than that, its ultimate aim in the field of criticizing those who work as public officials requires that dependence should be on the facts relating to public affairs and on the necessary data available about them.

The right of criticism is, then, a necessity for the work of the media, and one's exercise of this given right is right—especially in political matters—it is a direct contribution to the reform of the prevailing system, and an embodiment of the mutual censorship between the official authorities in the state and the people, and this what is required for constructing democratic societies. It directs, in fact, the work of government because thanks to it both government and citizen are able to access to the full facts. As a result, this right must be guaranteed to every citizen on the basis of full equality in society.

In fact, we have previously emphasized that the most important elements that should the media put on focus are the interactive and the participatory characters, and therefore giving public the opportunity to make their voice heard in the media. The thing which leads to the composition of conscious and influential public opinion on the one hand and on the other hand paves the way to political power to take into account the requirements of society, which organizes and contributes to the development of the country and by righting its wrongs. But if the media has a prominent role to play and a great impact to exercise, the thing which is obvious in many community issues and problems; it is therefore, its function to highlight these problems and even diagnose them and then expose them to the public as part of their right to know and to see. But sometimes the image transmitted by media can be negative and reluctant to those problems and even exaggerating and therefore,

does not reflect the reality as it is in society. This, of course, may lead to a deviation of the public's emotions and thought.

We may also face another case in which media tends to report the reality as it is in order to develop appropriate remedy for all that is wrong, as when media demonstrates the different issues in a positive way and work for the promotion of the appropriate solutions and criticism as an attempt to provide a practical contribution to the development of society at both the local and international level. Media in its strive to be objective and neutral as well as independent, often aims at presenting real news and objective reporting about the events that occurred in reality without distortion or modification.

In fact, we can deduce that we are always in need to exercise criticism, so as to increase our awareness of the social maturity of our community; and, thus, be able to expel all the elements of vulnerability and social dissolution of our environment.

Thus, indeed, the fear of criticism really harms social reality. If we want to be effective social entities, we need to believe in the necessity of examining facts and then exercising criticism in order to be contributors to the social development.

But we must always bear in mind that criticism should not aim at undermining, but correcting the facts.

In the light of what has been demonstrated previously, we suggest the following:

There is a widespread acknowledgement of the need for providing the right of effective and legitimate criticism in the Algerian legislation and constitutional protection in order to allow individuals to practice it adequately and in order to save them falling into legal accountability.

Directing research works to identify the right of criticism and; therefore develop concepts that may contribute to the proper deployment and promotion of the right of criticism as one of the guaranteed rights to everyone.

Carrying out critical studies revealing the reality of the flaws in society in all its aspects aiming at reforming them and publishing them in the media and given that society nowadays is an educated one and therefore able to reach the level of the developed countries.

The opening of the interactive participation with the public in the context of available criticism in order to establish the control of a popular reality on the performance of political power depending on the democratic environment that allows the rights and freedoms.

The media has to address all violation that may occur in the community, and treat social issues as part of its right to criticize. The latter which allows the detection of the shortcomings of the performance of public authority in charge and therefore, gives the opportunity to the critic to work to promote social reform. In fact, this article is intended to throw light on the role of media in creating a balanced, communicative speech that would contribute to the transmit ion of reality objectively and then criticizing it in order to develop it.

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